SINGLE BENCH

3

P.R. No. 3305/06
Presented by Shri KS Pawar
dated 31/7/06

c.f. 1001

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.No. 3253 / 2006

Petitioner : Sanjeev Kumar Bharti, S/o Shambhu Ram Bharti, Aged about 37 years, Block Resource Centre Co-ordinator, Sitapur, District – Surguja (CG)

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, School Education Department, DKS Bhawan, Raipur (C.G.)

2) The Mission Director, Rajiv Gandhi Shiksha Mission (Sarwa Shiksha Abhiyan) Avantika Vihar, Raipur (C.G.)

3) The Chief Executive Officer, Zila Panchayat Evam Zila Pariyojana, Director, Rajiv Gandhi Shiksha Mission, Surguja, Ambikapur.

4) The Collectior, Distt. Surguja (C.G.).

5) The Union of India – through Human Resources Department, New Delhi.

RIC (Bhuaram) 31/7/06

(Clerk)

HAKUR VIJAY SINGH
Asst. Solicitor General of India
CHHATTISGARH HIGH COURT
High Court Campus, Bilaspur (C.G.)

CERTIFIED COPY

BILASPUR 31/7/06

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

104

मामला क्रमांक ...WP/2253/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.7.2006 Shri P.Diwakar, Sr. Adv. with Shri K.S. Pawar, Adv. for the petitioner. Shri G.K. Beriwal, Dy. A.G. for respondent Nos.1, 3 & 4. Miss Deepali Pandey, Adv. appears on behalf of Shri A.S. Kachhawaha, Advocate for the respondent No.2. Shri Shailendra Dubey, Standing Counsel for respondent No.5. Heard. Return on behalf of respondent Nos.1 to 4 has already been filed. By this petition under Article 226/227 of the Constitution of India, the petitioner has questioned the legality & propriety of the order dated 28.4.2006 (Annexure P-3) whereby the services of the petitioner have been terminated from the post of Block Coordinator, Rajiv Gandhi Shiksha Mission, Sitapur, Sarguja. The main grievance of the petitioner, in this petition, is that on 28.4.2006 he was on duty, as mentioned in Para 6.2 of the petition that on that day petitioner was assigned other duty and hence, it was literally impossible for him to attend the said Problem Solution Camp. The Sub Divisional Officer (Revenue), Sitapur vide letter dated 28.4.2006 (Annexure P-4) apprised the Collector that on 28.4.2006 the petitioner was assigned some other duty and therefore, he was absent when the Hon'ble Minister has called him. Reply of respondent No.1 to 4 to this paragraph is that since the services of the petitioner are temporary, therefore, same could be terminated at any time without any prior intimation, hence the ground urged that no opportunity of hearing is given to the petitioner is baseless.	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

105

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Perusal of impugned order reveals that on 28.4.2006 a Problem Solution Camp was organized at Janpad Panchayat Sitapur and when the Minister of Tribal Welfare Department, State of C.G. came on the spot the petitioner was not present on duty, even when he was called by the special messenger he did not attend the camp and as the petitioner was not present in the meeting of the Literacy Committee, therefore, his services have been terminated with immediate effect. On the contrary, the S.D.O. (Revenue), Sitapur apprised the Collector vide Annexure P-4 dated 28.4.2006 that on 28.4.2006 a Problem Solution Camp was organized in the Boys Higher Secondary School, Sitapur, the Hon'ble Minister came at about 4 pm and during that period the Hon'ble Minister enquired about the petitioner i.e. Sanjeev Bharti, on which employees replied that just now he was here and he may be coming. In the meantime, the Hon'ble Minister ordered for his suspension, at that point of time the petitioner came and said that he went to supervise the preparation of food and he is coming from there. He did not misbehave with any Minister nor there was any complaint.

Therefore, in view of the above, the letter of S.D.O. (Revenue), Sitapur dated 28.4.2006 (Annexure P-4) discloses that the petitioner was not absent from his duty, he was very much on his duty and when the Minister concerned came, he went to supervise the preparation of food, as per orders of the authority and as such, the order impugned dated 28.4.2006 is passed on the non-existent ground. It is true that the services of a temporary employee can be terminated in accordance with the terms of appointment, but here the case is entirely different, the services of the petitioner have been terminated on the non-existent ground that

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

106

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	when the Hon'ble Minister visited the camp the petitioner was absent and he did not turn up even after the call by special messenger, whereas, the S.D.O. (Revenue) Sitapur vide letter Annexure P-4 dated 28.4.2006 has categorically stated that the petitioner was on duty and went to supervise the preparation of food and in presence of the Minister he appeared. Therefore, the impugned order is arbitrary and has been passed on the non-existent ground and liable to be quashed. In the result, the petition of the petitioner is allowed and the impugned order dated 28.4.2006 (Annexure P-3) is hereby quashed. Consequently, M.(W.)P. No. 2502/06 & I.A. No.6420/06 also stand disposed of. Certified copy as per rules. Sd/- L.C. Bhadoo Judge	
Roshan/-		

P.T.O.

106 Ram 31-3-06